IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

APPEAL (LODGING) NO.367 OF 2005
IN
COMPANY PETITION NO.457 OF 2004

Delta Mechons (India) Ltd. ....Appellant

V/s.

S. Lakshman ....Respondent

Mr.A. Gokhale i/b Milan Bhise & Co. for the Appellant.

Mr.Shashi Dalal for the Respondent.

CORAM : A.P. SHAH AND
S.J. VAZIFDAR, JJ.
DATED : 25TH APRIL, 2005.

P.C. :

1. This is an Appeal against the order of the learned single Judge ordering that in the event of the Appellant Company depositing a sum of Rs.9,54,228/- towards the arrears of salary and Rs.3,62,000/- towards the arrears of perquisites, the above Company Petition is to stand dismissed and in the event of the Appellant Company failing to do so, the same is to stand admitted and advertised.

2. The above Petition was filed by the

Respondent for winding up on the ground that the Company was indebted to him for the aforesaid amounts in respect whereof there was no bona-fide disputes. The learned counsel appearing on behalf of the Appellant Company made a statement that the Company was facing certain difficulties in making payment and that the payment would be effected within four weeks to the Respondent. It is in view of this statement that the learned single Judge passed the impugned order. Having made that statement and after deriving the benefit of the Court accepting the statement and granting time to make payment, it is not open to the Appellant to challenge the order.

3. In the circumstances, the Appeal is dismissed.